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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,831	03/04/2004	Daniel Ledermann	250031US2	3854
22850	7590	10/07/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			THOMAS, JASON M	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			10/07/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,831	LEDERMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Thomas	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 March 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. 10/791831.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1- 3, 5-8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al., CA 2,321,462 (hereinafter Jones) in view of Fingerman et al., U.S. Pat. No. 7,143,430 B1 (hereinafter Fingerman).

**Regarding claim 1:** A system for recording and playback of television signals from a plurality of television channels, comprising:

a computer-based controlling central unit, connectible to as telecommunication network (see [fig. 2 item 40], [abstract], [pg. 3, ll. 12-21], [pg. 7, ll. 23-25], [pg. 8, ll. 6-12], [pg. 26, ll. 25-27] for a central controlling server);

a plurality of television receivers, connected to the controlling central unit, for receiving television signals in each case on one of the television channels [see [fig. 2], [abstract], [pg. 4, ll. 3-5], [pg. 7, ll. 27-29], [pg. 9, ll. 15-17], [pg. 11, ll.

5-8], [pg. 23, ll. 17-19] where digital video equipment such as satellite dishes and receivers are used to gather and distribute data);

one or more coding modules, connected to the television receivers, for coding the received television signals in a digital format (see [abstract], [pg. 3, ll. 12-19], see also [pg. 6, ll. 7-12], [pg. 7-8, ll. 27-4] for a unit that behaves as a receiver, receiving multimedia/television/internet signals and coding the signals);

and a playback module configured to transmit the television signals stored in the digital format via the telecommunication network for playback on a terminal of the user, who is identified by the user identification assigned to the respective stored television signals (see [pg. 3, ll. 21-26], [pg. 8, ll. 26-30], [pg. 9, ll. 9-13], [pg. 11, ll. 5-17], [pg. 12, ll. 15-17]).

While Jones teaches a controlling central unit he is silent regarding an instruction unit connected to the controlling central unit, configured to receive and store recording instructions from users via the telecommunication network, the recording instructions including a user identification, a channel number, and recording timing and configured to instruct the controlling central unit to select and store the television signals, in the digital format based on the recording instructions including, information on a television channel specified by the channel number and the recording timing and configured to assign the user identification to the selected television signals.

Fingerman teaches an instruction unit which is connected to a controlling unit (see [fig. 2]) which receives and stores recording instructions including a

user identification, channel number, and timing information (see [fig. 4] - [fig. 6]), such that it instructs the controlling unit to select and store signals based on the received information which is stored (see [col. 9, ll. 6-44]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include some capability to store recording instructions and then to execute those instructions to record programming, as taught by Fingerman, when providing a system used to provide users with the ability to designate programs to record, as taught by Jones, because such information which is to record a program at a future time must be stored in order to be recalled to record a program prior to its scheduled start time (see [col. 9, ll. 22-26]).

**Regarding claim 2:** The combined teachings of Jones, in view of Fingerman, teach wherein the controlling central unit is configured to transmit, in accordance with the stored recording instructions, control signals to one of the connected television receivers for activation of the respective television receiver and/or for selection of a television channel on the respective television receiver based on the channel number (see Jones [pg. 13, ll. 13-23] for an inherent control signal directing the STB to receive data on local storage in accordance with the stored recording instructions; see also Jones [pg. 17, ll. 18-25], [pg. 25-26, ll. 23-23], [pg. 22, ll. 22-28]; see also Fingerman [fig. 6], [col. 9, ll. 13-44]).

**Regarding claim 3:** The combined teachings of Jones, in view of Fingerman, teach wherein the telecommunication network is a network based on

Internet protocol, and the playback module is set-up-further configured to transmit the television signals, stored in the digital format, in streaming mode via the telecommunication network to the terminal of the user (see Jones [pg. 1, ll. 5-10], [pg. 7, ll. 1-11], [pg. 9, ll. 15-22], [pg. 13, ll. 20-23], [pg. 22-23, ll. 22-7]; see also Fingerman [fig. 1]).

**Regarding claim 5:** The combined teachings of Jones, in view of Fingerman, teach wherein the playback module is configured to transmit the television signals, stored in the digital format, via the telecommunication network to the terminal depending upon quality parameters of the terminal of the respective user (see Fingerman [col. 3, ll. 22-26] where the data rate, a form or quality parameter is indicated by the client's request).

**Regarding claim 6:** The combined teachings of Jones, in view of Fingerman, teach wherein the controlling central unit includes stored television program information, and in that-the controlling central unit is further configured to receive from users as recording instructions via the telecommunication network identification data for telecasts and, in accordance with the received identification data, to store recording instructions, based on the stored television program information, with indications about television channel and telecast identification and/or starting time/ending time or respectively duration (see Fingerman [fig. 4], [fig. 6], [col. 9, ll. 22-47] for a system which uses information received from the user regarding a program to be recorded to, at a later time,

record the program designated by the information received prior to the program broadcast).

**Regarding claim 7:** The combined teachings of Jones, in view of Fingerman, teach wherein the controlling central unit is further configured to transmit, after successful storing of the television signals, in accordance with the stored recording instructions, an electronic ready message via the telecommunication network to the terminal of the user whose user identification is assigned to the respective recording instructions (see Fingerman [cols. 3-4, II. 66-5] for an electronic ready message).

**Regarding claim 8:** The combined teachings of Jones, in view of Fingerman, teach wherein the controlling central unit is further configured to erase automatically television signals, after a defined period of time after their storage, and in that the controlling central unit is set up to transmit automatically, before the automatic erasing, an electronic warning signal via the telecommunication network to the terminal of the user whose user identification is assigned to the respective stored television signals (see Fingerman [fig. 8], [col. 10, II. 33-41] for automatically erasing and an electronic warning).

**Regarding claim 10:** The combined teachings of Jones, in view of Fingerman, teach wherein the television receivers are configured to receive digital and/or analog television signals via cable television networks and/or via television antennas for terrestrial television broadcasting or satellite television transmission, and the controlling central unit and the playback module are each

implemented on different computers connected to one another, the controlling central unit and/or the playback unit including memories for storing the television signals coded in the digital format (see Fingerman [col. 5, ll. 12-18], [col. 9, ll. 27-44] for receiving video signals via various paths such as a cable network and for storing the captured signals to memories).

**Regarding claim 11:** The combined teachings of Jones, in view of Fingerman, teach wherein the plurality of television receivers and the plurality of coding modules are configured to receive and record television signals from different channels in parallel at the same time for two different users from said users (see Fingerman [fig. 2], [fig. 13], [cols. 4-5, ll. 59-18] for receiving multiple signals in simultaneously in parallel for the various users of the system).

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Fingerman and Perlman, U.S. Pre- Grant Pub. No. 2002/0184637 A1 (hereinafter Perlman).

**Regarding claim 4:** The combined teachings of Jones, in view of Fingerman, do not teach wherein the controlling central unit is further configured to encrypt the television signals, coded in the digital format, with a cryptographic prior to their storage, wherein the system further comprises: an access control module configured to generate access rights to the television signals, stored in the digital format, and for transmitting generated access rights, comprising the respective cryptographic keys, via the telecommunication network to authorized users, and wherein the playback module is further configured to receive access

rights from users via the telecommunication network and, in accordance with the received access rights, to transmit the encrypted television signals, stored in the digital format, to the respective user.

Perlman teaches an encryption system which encrypts a video signal prior to storage (see [57], [59]), an access control module configured to generate access rights which are transmitted via the network to authorized users (see [58]), and a playback module for transmitting the encrypted data to the user (see [61]).

At the time the invention was made it would have been obvious to one of ordinary skill in the art provide a means of encryption and decryption, as taught in Perlman, when providing a means to transmitting video across a network as instructed by users, as taught in Jones, because this prevents unauthorized users from viewing video content (see [57]).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Fingerman and Ellis et al., U.S. Pre- Grant Pub. No. 2003/0149988 A1 (hereinafter Ellis).

**Regarding claim 9:** The combined teachings of Jones, in view of Fingerman, do not teach wherein the controlling central unit is further configured to store only once, jointly assigned to the user identifications of the respective plurality of users, television signals, which have been received at a time and on a television channel which are identified through consistent recording instructions from a plurality of users.

Ellis teaches the concept of a media server which stores a single copy of a program for multiple clients to simultaneously play back after being recorded (see [fig. 6a], [20], [90-96]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to only store a single copy which can be used to provide access to multiple users, as taught in Ellis, when providing a storage server to record media to be viewed at a later time, as taught in Jones, because this saves the amount of storage space used for multiple of users by reducing the amount of duplicate media to be saved by each user.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Fingerman and Slotznick, U.S. Pat. No. 7,058,356 B2 (hereinafter Slotznick).

**Regarding claim 12:** The combined teachings of Jones, in view of Fingerman, teach sending an electronic message in the form of an email to a client but do not teach wherein the ready message is a short message sent to a mobile device by the users.

Slotznick teaches a mobile device (see [fig. 1c]) which can receive transmissions such as e-mail and internet access (see [cols. 15-16, ll. 63-9]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide a mobile device capable of receiving messages, as taught in Slotznick, when providing a means of communicating through e-mail messages to media viewers, as taught in Fingerman, because this allow the

viewer to be notified of the completion of a recording when the user is remotely located with respect to their viewing device (see [abstract]).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Fingerman and Mensch, U.S. Pre- Grant Pub. No. 2002/0133824 A1 (hereinafter Mensch).

**Regarding claim 13:** The combined teachings of Jones, in view of Fingerman, do not teach wherein the instruction unit is further configured to extract the user identification by using at least one of an international mobile subscriber identity IMSI or a call number.

Mensch teaches wherein a customer can be identified by the cell phone from which they call (see [16], [18]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use identifying information from a mobile device, as taught in Mensch, to extract and identify a user to properly process the user's record request, as taught in Fingerman, because there is sufficient information necessary to identify a person requesting entertainment in mobile devices with unique numbers such as a cell phone (see [16]).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

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